IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

Prabhu Dayal
Versus
State and ors.

S.B. CIVIL WRIT PETITION NO.622/1996

Date of Order : 23 July, 2007.

PRESENT
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri D.P. Pujari for the petitioner.
Shri B.L. Awasthi, Addl.Govt.Advocate
for the State.
Mrs. Aradhana Sharma and
Shri Satyanarain Gupta for the respondents.

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The petitioner has challenged the order dated 25/8/1995, passed by the Standing Committee (Administration) of Panchayat Samiti Sanganer and the order dated 23/8/1995 passed by the Additional Collector (Ist), Jaipur dismissing his revision petition filed by the petitioner.

The Standing Committee cancelled the sale-deed and patta issued to the petitioner by the Gram Panchayat and, thereafter, revision filed by him against the order of the State Government was also rejected by the Additional Collector (Ist), Jaipur.

The petitioner filed an application before the Sarpanch Gram Panchayat Bhankrota for purchase of a land and issuance of patta which he claimed, was in his possession since long. Land was situated in Khasra No.119 which was a abadi land. Objections were invited from the general public and issued a notice of one month for the purpose. Map of the land was prepared in the presence of two witnesses. His application was initially rejected by the Gram Panchayat on 15/2/1977 because he could not attend proceedings. He, therefore, again submitted an application for restoration of his earlier application. Gram Panchayat vide order dated 22/11/1977

restored the earlier application and recorded the statement of the petitioner and two witnesses namely; Ramsahay and Sikander. Thereafter, on 11/12/1977 it allotted the land measuring 319.44 sq.yds. at the sale price @ 14 paisa per sq.yd. thus totalling Rs.128/-. Entire proceedings were conducted in accordance with the provisions of Rajasthan Panchayat (General) Rules, 1961 and patta was issued to the petitioner on 17/7/1978. According to the petitioner, respondents No.5 filed an appeal after more than five years on 1/6/1983 before the Block Development Officer for quashing the sale-deed dated 17/11/1978. He also filed similar appeal before the Nagar Nigam, Jaipur. In fact, respondent No.5 was trespasser on part of the land covered by Khasra No.247 and he was twice evicted therefrom by invoking Sectiion 91 of the Land Revenue Act. The Standing Committee finally vide its order dated 25/5/1984 allowed the appeal of respondent No.5. Aggrieved thereby, the

petitioner filed a revision petition before the Additional Collector who rejected the same vide its order dated 23/8/1995. Hence, the writ petition.

I have heard Shri D.P. Pujari, learned counsel for the petitioner, Shri B.L. Awasthi, Additional Government Advocate for the State, Shri Satyanarain Gupta, learned counsel for Nagar Nigam, Jaipur and Smt.Aradhana Sharma, learned counsel for respondent No.5 Bhura, through his legal representatives.

Shri D.P. Pujari, learned counsel for the petitioner argued that the order issuing patta in favour of the petitioner had remained unchallenged for five years and appeal against the said order was filed by respondent No.5 with an inordinate delay in the year 1983 and no explanation whatsoever was given for such inordinate delay. The learned Additional Collector therefore, committed an error in entertaining such an appeal.

Report of the Standing Committee which is available on record has categorically noted that members of the Panchayat Samiti alongwith Block Development Officer inspected the site and prepared the map of the land. It was verified on the ground that the patta which was prepared by the Gram Panchayat, which was subject-matter of dispute, covered half such agricultural land which is in the khatedari of respondent No.5 Bhura S/o Jeevan and he had in fact cultivated the same. Besides this, Bodu Kumar had a pucca house upon the land lying in front of which there is an agriculture land and he was cultivating the same. The Standing Committee found that substantial part of the land for which the patta was given was khatedari land of respondent No.5, Bhura. When the matter was taken to the Additional Collector in revision petition filed by the petitioner, the Additional Collector while passing a detailed, reasoned and considered order examined the issue again and apart

from above also noticed number of other irregularities such as the Gram Panchayat did not issue required public notice of one month and that once the application of the petitioner has been rejected, it restored the same and the patta was issued in the agricultural land of Respondent No.5 for which Gram Panchayat had no power. The Additional Collector thus found that the Gram Panchayat exceeded in its jurisdictin by issuing patta to the petitioner. The Additional Collector also rejected the objection of delay in filing the revision petition holding that respondent No.5 while upholding the plea of respondent No.5 that he acquired knowledge of the patta issued in the year 1978 only in the year 1983. On consideration of the inspection report, the order passed by the Administrative Standing Committee and the order passed by the learned Additional Collector, I do not find that the impugned-order suffers from any such infirmity which may be described as error aparent on the fact of record so as

to warrant interference by this Court under Article 227 of the Constitution of India. There being no merit in the writ petition, the same is dismissed with no order as to costs.

(MOHAMMAD RAFIQ), J.

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